

EXHIBIT A

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

Allegheny

County

For Prothonotary Use Only:

Docket No:

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☒ Complaint
 ☐ Writ of Summons
 ☐ Petition
 ☐ Declaration of Taking
- ☐ Transfer from Another Jurisdiction

Lead Plaintiff's Name:

Moises Candelario

Lead Defendant's Name:

Midland Credit Management, Inc.

Are money damages requested? ☒ Yes ☐ NoDollar Amount Requested: ☒ within arbitration limits
(check one) ☐ outside arbitration limitsIs this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Kevin Abramowicz

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☒ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other

☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

☐ Zoning Board
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA**

MOISES CANDELARIO,

CIVIL DIVISION

Plaintiff,

No.

v.

COMPLAINT IN CIVIL ACTION

MIDLAND CREDIT MANAGEMENT,
INC.,

Defendant.

Filed on behalf of Plaintiff:
Moises Candelario

Counsel of record for Plaintiff:

Kevin Abramowicz
Pa. ID No. 320659
Kevin Tucker
Pa. ID No. 312144
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**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA**

MOISES CANDELARIO,

CIVIL DIVISION

Plaintiff,

No.

v.

COMPLAINT IN CIVIL ACTION

MIDLAND CREDIT MANAGEMENT,
INC.,

Defendant.

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within **TWENTY (20)** days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
The Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Courtroom Two, Seventh Floor, City-County Building, 7th Floor, 414 Grant Street, Pittsburgh, Pennsylvania 15219 on _____, at 9:00 a.m. **IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.**

DUTY TO APPEAR AT ARBITRATION HEARING

If one or more of the parties is not present at the hearing, **THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.**

NOTICE: YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD IMMEDIATELY BEFORE A JUDGE WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA**

MOISES CANDELARIO,

CIVIL DIVISION

Plaintiff,

No.

v.

MIDLAND CREDIT MANAGEMENT,
INC.,

Defendant.

COMPLAINT IN CIVIL ACTION

Moises Candelario (“Plaintiff”) brings this action against Midland Credit Management, Inc. (“Defendant”), and alleges as follows:

NATURE OF THE ACTION

1. This action seeks damages, attorneys’ fees, and costs against Defendant for its violations of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §§ 1692, *et seq.*

JURISDICTION AND VENUE

2. The Court has subject matter jurisdiction under 42 Pa. C.S.A. § 931.

3. The Court has personal jurisdiction over Defendant under 42 Pa. C.S.A. § 5301.

4. Venue is proper under Pa. R. Civ. P. 2179 because Defendant regularly conducts business in this county.

PARTIES

5. Plaintiff is a resident of Allegheny County, Pennsylvania.

6. Defendant is a business entity located in San Diego, California.

7. Defendant’s sole business is purchasing and collecting defaulted consumer debt to collect debt for profit.

8. Defendant purchases defaulted consumer debt for pennies on the dollar.

9. Defendant, either directly or indirectly, calls consumers, sends letters to consumers, and files lawsuits against consumers.

10. Defendant uses instrumentalities of interstate commerce, such as telephone, mail, and the internet, to collect debt from consumers.

FACTUAL ALLEGATIONS

11. On January 21, 2020, Defendant filed a lawsuit against Plaintiff in an Allegheny County Magisterial District Court.

12. Defendant claimed it purchased a credit card account (the “Account”).

13. Defendant claimed the Account was issued to Plaintiff.

14. Defendant claimed the Account concerned an obligation to pay money arising out of transactions primarily for personal, family or household purposes.

15. Plaintiff hired an attorney to defend the action.

16. Despite knowing Plaintiff was represented by an attorney, Defendant continued contacting Plaintiff directly.

17. For example, on November 19, 2020 and December 31, 2020, Defendant sent Plaintiff letters requesting payment.

18. Defendant should not have continued contacting Plaintiff directly, as Defendant knew Plaintiff was hired by an attorney.

19. It was unfair and harassing for Defendant to contact Plaintiff when Defendant knew Plaintiff was represented by an attorney.

20. Defendant’s actions were false, deceptive, unfair, and unconscionable, violated Plaintiff’s legal rights, and caused Plaintiff harm, including emotional distress.

CLAIM FOR RELIEF
**Violation of the Fair Debt Collection Practices Act,
15 U.S.C. §§ 1692, *et seq.***

21. Plaintiff is a consumer, the Account is a debt, and Defendant is a debt collector under the FDCPA. 15 U.S.C. §§ 1692a(3), (5), (6).

22. The communications described herein were made to Plaintiff without consent, despite the fact that Defendant knew Plaintiff was represented by an attorney, in violation of 15 U.S.C. § 1692c.

23. The actions and practices described herein constitute debt collection practices that have the natural consequence of harassment, oppression, and abuse, in violation of 15 U.S.C. § 1692d; and/or unfair or unconscionable means to collect or attempt to collect any debt, in violation of 15 U.S.C. § 1692f.

24. As a result of Defendant's failure to comply with the provisions of the FDCPA, and the resulting injury and harm it has caused, Plaintiff is entitled to actual damages, statutory damages, and attorneys' fees and costs under 15 U.S.C. § 1692k.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- a. An order awarding actual, statutory, punitive and all other damages available by law, along with pre-and post-judgment interest;
- b. An order awarding attorneys' fees and costs;
- c. An order declaring Defendant's conduct unlawful; and
- d. An order awarding all other relief that is just, equitable and appropriate.

JURY TRIAL DEMANDED

Plaintiff requests a jury trial on all claims so triable.

Respectfully Submitted,

Dated: March 10, 2021

By: /s/ Kevin Abramowicz
Kevin Abramowicz
Kevin W. Tucker
East End Trial Group LLC
186 42nd Street, PO Box 40127
Pittsburgh, PA 15201
Tel: (412) 223-5740
kabramowicz@eastendtrialgroup.com
ktucker@eastendtrialgroup.com

Attorneys for Plaintiff

VERIFICATION

I, Kevin Abramowicz, attorney for Plaintiff, am fully familiar with the facts set forth in this Complaint and am authorized to make this Verification. I verify that the averments contained in this Complaint are true and correct to the best of my knowledge, information, and belief. Plaintiff's verification shall be substituted for this attorney verification upon request. I understand any false statements herein are made subject to the penalties of 18 Pa. C.S § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Dated: March 10, 2021

By: /s/ Kevin Abramowicz
Kevin Abramowicz
East End Trial Group LLC
186 42nd Street, P.O. Box 40127
Pittsburgh, PA 15201
(412) 223-5740
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Attorney for Plaintiff